

REMARKS

§ 101 rejection of claims 11-20

The applicants believe that the electrical signal of claims 11-20, being comprised of matter (electrons), is indeed tangible, and hence a “product,” and hence a “manufacture.” It should be noted that the claims are directed to the actual electrical signal, not to some diagrammatic representation of the shape of the signal’s waveform, such as any of the several waveform drawings in the application. Conclusions in the new 101 Guidelines based on the 1854 *O’Reilly* decision appear to be unwarranted in view of the facts of that case. The claim at issue in that case was rejected because it was overbroad and, in the Court’s opinion, attempted to claim “a mere principle.” [Chisum, § 103[2][b]] The present claims 11-20 are very narrow and do not pre-empt an entire principle. A principle is of course involved, but the claims are drawn to a practical application of the principle.

§ 101 rejection of claims 1-10 and 21-40

The applicants have amended (see Listing of Claims) all independent method claims to include a final step which results in an image of the subterranean formation. Such a seismic image is believed to be a real world, tangible result. Support for this step may be found in the first sentence of the “Background of the Invention” section (col. 1, lines 13-15 in U.S. Patent No. 6,477,113). See also col. 1, lines 41-44. The added final step of creating an image from the correlated record is believed to cure the § 101 problems for the method claims.

Claim rejections – 35 U.S.C. § 112

The applicants have made additional amendments to claims 21 and 35, which we believe cure any indefiniteness problem. This problem is addressed in claim 21 by the word deletion in step (c) coupled with the new step (d). There is no support issue for step (d) because it is drawn from words stricken from step (c). Similarly in claim 35, the indefiniteness issue is eliminated by moving certain features from step (c) to a new step (d), and thereby making it clear that such features are claim limitations.

CONCLUSION

Applicants believe the application is in condition for allowance and respectfully request allowance of the patent.

Authorization is hereby made to charge the RCE fee under 37 CFR 1.17(e) in the amount of \$790.00 and any additional fees required or credit any overpayment to Deposit Account No. 05-1328. If there are any questions concerning the foregoing, please contact the undersigned at the number provided below.

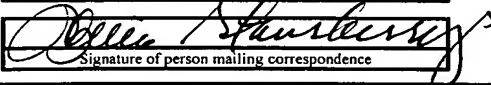
Respectfully submitted,

Date: 17 January 2007

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